

May 12, 2021

**VIA ELECTRONIC FILING**

The Honorable Jocelyn Boyd  
Chief Clerk/Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, South Carolina 29211

Re: Dominion Energy South Carolina, Incorporated's Establishment of a  
Solar Choice Metering Tariff Pursuant to S.C. Code Ann. Section 58-40-  
20  
Docket No. 2020-229-E

Dear Ms. Boyd:

Dominion Energy South Carolina, Inc. (“DESC”) writes in response to the letter (the “Intervenor Letter”) filed in this docket on May 6, 2021, by the Solar Energy Industries Association (“SEIA”) and the North Carolina Sustainable Energy Association (“NCSEA” and together with SEIA, the “Intervenors”).

The Intervenor Letter requests additional guidance from the Public Service Commission of South Carolina (the “Commission”) on the Solar Choice Tariffs approved by the Commission in this docket, while also claiming that the Intervenors have reached out to DESC in parallel for similar guidance. Specifically, the Intervenor Letter states that the Intervenors “have reached out to counsel for DESC to better understand what the compliance filing will include beyond the elements outlined in the Directive Order.”<sup>1</sup> However, DESC has not received any communication from the Intervenors regarding the Commission’s Directive or the upcoming compliance filing.<sup>2</sup>

Additionally, the Intervenors state that the Commission should adopt a 20-year availability window for the Solar Choice Tariffs given that “[o]nly the Joint Parties put forward a request for a minimum period of time guarantee [sic] access to the new policy: the lifetime of the solar PV facility (i.e., 20-years per the Commission’s finding in Docket No. 2019-182-E).”<sup>3</sup> However, DESC is unaware of any testimony in this docket that expressly suggests that the availability of the Solar Choice Tariffs

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<sup>1</sup> Intervenor Letter at 1.

<sup>2</sup> Although DESC has not received any inquiry from any party of record regarding a compliance filing, DESC did receive an inquiry from Sunrun Inc., a non-party.

<sup>3</sup> Intervenor Letter at 2. (emphasis added). DESC notes that the term “Joint Parties” is not defined in the Intervenor Letter, but DESC assumes this term refers to the Intervenors.

(Continued....)

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should be tied to the useful life of rooftop solar systems. In fact, the Intervenor's Witness Barnes made a different recommendation in his direct testimony:

The Solar Choice tariff should be made available for the longer of three years or the final Commission approval of a successor tariff.<sup>4</sup>

Given the apparent misunderstanding, DESC reached out to the Intervenor on May 12, 2021 and requested that they provide additional details regarding (i) the communication to DESC referenced in the Intervenor letter and (ii) the specific testimony recommending that the term of the tariffs should be tied to the useful life of a rooftop solar system. In the interest of transparency, DESC's communication to the Intervenor on these points is attached to this letter as Exhibit A.

It is important for DESC and the Commission to obtain clarity on these issues prior to the Commission providing any additional guidance as requested by the Intervenor. As such, DESC will coordinate with the Intervenor in hopes of providing the Commission with an update on these matters prior to the Commission Business Meeting scheduled for May 19, 2021. Thank you for your attention to these matters, and please do not hesitate to contact me if you have any questions.

Very truly yours,



K. Chad Burgess

KCB/kms  
Enclosure

cc: All Parties of Record  
(via electronic mail only)

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<sup>4</sup> Revised Barnes Direct Testimony p.5, lines 12-13, filed on February 8, 2021.

**From:** Chad Burgess (Services - 6)

**Sent:** Wednesday, May 12, 2021 11:13 AM

**To:** Jeffrey Kuykendall <[JWKuykendall@jwklegal.com](mailto:JWKuykendall@jwklegal.com)>; Hall, Roger <[RHall@scconsumer.gov](mailto:RHall@scconsumer.gov)>; Carri Grube-Lybarker <[clybarker@scconsumer.gov](mailto:clybarker@scconsumer.gov)>; Matthew Gissendanner (Services - 6) <[matthew.gissendanner@dominionenergy.com](mailto:matthew.gissendanner@dominionenergy.com)>; Nelson, Jeff <[jnelson@ors.sc.gov](mailto:jnelson@ors.sc.gov)>; Pittman, Jenny <[jpittman@ors.sc.gov](mailto:jpittman@ors.sc.gov)>; Taylor Speer <[TSpeer@TurnerPadget.com](mailto:TSpeer@TurnerPadget.com)>; klee@selcsc.org; David Neal <[dneal@selcnc.org](mailto:dneal@selcnc.org)>; fknapp@knappagency.com; Bess DuRant <[bdurant@sowelldurant.com](mailto:bdurant@sowelldurant.com)>; Peter Ledford <[peter@energync.org](mailto:peter@energync.org)>; Bateman, Andrew <[abateman@ors.sc.gov](mailto:abateman@ors.sc.gov)>; Mangum, Robert P <[rmangum@turnerpadget.com](mailto:rmangum@turnerpadget.com)>; Tyler Fitch <[tyler@votesolar.org](mailto:tyler@votesolar.org)>

**Subject:** RE: [EXTERNAL] SC PSC Docket No. 2020-229-E: SEIA and NCSEA Letter Requesting Additional Guidance on 4/28/21 Directive

Dear Jeff –

Good morning. I am writing to request clarification on two items in the letter filed by SEIA and NCSEA in DESC's Solar Choice Docket No. 2020-229-E last Thursday, May 6th. Specifically, your letter states that you all "reached out to counsel for DESC" to obtain more details on the compliance tariffs. I am unaware of any communication from SEIA, NCSEA, or any other party of record in this docket requesting information regarding the compliance tariffs. The only communication I am aware of came from Sunrun, a non-party. Please confirm the date sent and the method of delivery; I want to make sure that I did not miss the parties' communication. I would also ask, to the extent there was some delivery failure, you resend any correspondence to me.

Secondly, the letter stated that you were the only ones to provide testimony relating to the term of the tariffs and that your testimony indicated the tariffs' availability should be tied to the useful life of the system (i.e., 20 years). Will you please provide a citation to that recommendation? I have been unable to find it in the record. I bring to your attention that Witness Barnes provided testimony on this point and he recommended that the tariffs remain available for at least three years. You may wish to clarify this fact to the Commission as your earlier communication failed to disclose this recommendation.

In light of your request that the Commission provide additional guidance next Wednesday, DESC plans to file a letter in the docket stating that DESC has requested more information on these items and that DESC intends to update the Commission after we obtain clarification given the confusion created by your letter.

We look forward to hearing from you. Thanks!

Chad

**From:** Jeffrey Kuykendall <[JWKuykendall@jwklegal.com](mailto:JWKuykendall@jwklegal.com)>

**Sent:** Thursday, May 6, 2021 4:33 PM

**To:** Hall, Roger <[RHall@scconsumer.gov](mailto:RHall@scconsumer.gov)>; Carri Grube-Lybarker <[clybarker@scconsumer.gov](mailto:clybarker@scconsumer.gov)>; Chad Burgess (Services - 6) <[chad.burgess@dominionenergy.com](mailto:chad.burgess@dominionenergy.com)>; Matthew Gissendanner (Services - 6) <[matthew.gissendanner@dominionenergy.com](mailto:matthew.gissendanner@dominionenergy.com)>; Nelson, Jeff <[jnelson@ors.sc.gov](mailto:jnelson@ors.sc.gov)>; Pittman, Jenny

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**Subject:** [EXTERNAL] SC PSC Docket No. 2020-229-E: SEIA and NCSEA Letter Requesting Additional Guidance on 4/28/21 Directive

\*\*\*This is an EXTERNAL email that was NOT sent from Dominion Energy. Are you expecting this message? Are you expecting a link or attachment? DO NOT click links or open attachments until you verify them\*\*\*

Please find attached the Solar Energy Industries Association and North Carolina Sustainable Energy Association Letter Requesting Additional Guidance on the April 28, 2021 Directive Adopting Solar Choice Metering Tariffs electronically filed in the above-referenced docket earlier today.

Sincerely,

**Jeffrey W. Kuykendall**  
**Attorney at Law**  
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